

## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-0654-IHW-E

TCEQ ID: RN100218031

CASE NO.: 33318

RESPONDENT NAME: REPUBLIC WASTE SERVICES OF TEXAS, LTD.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                             |                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------------------------|
| <b>ORDER TYPE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                             |                                                                         |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING<br>SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/> SHUTDOWN ORDER                     | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL<br>ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> EMERGENCY ORDER                    |                                                                         |
| <b>CASE TYPE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                             |                                                                         |
| <input type="checkbox"/> AIR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS<br>WASTE   |
| <input type="checkbox"/> PUBLIC WATER SUPPLY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> PETROLEUM STORAGE TANKS            | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION                     |
| <input type="checkbox"/> WATER QUALITY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> SEWAGE SLUDGE                      | <input type="checkbox"/> UNDERGROUND INJECTION<br>CONTROL               |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> RADIOACTIVE WASTE                  | <input type="checkbox"/> DRY CLEANER REGISTRATION                       |
| <p><b>SITE WHERE VIOLATION OCCURRED:</b> 101 Republic Way, Avalon, Ellis County</p> <p><b>TYPE OF OPERATION:</b> Type I municipal solid waste disposal facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 18, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p><b>TCEQ Attorney:</b> Mr. Gary K. Shiu Litigation Division, MC R-12, (713) 422-8916<br/>Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019</p> <p><b>TCEQ Enforcement Coordinator:</b> Mr. Michael Meyers, Waste Enforcement Section, MC 128, (512) 239-4492</p> <p><b>TCEQ Regional Contact:</b> Mr. Sam Barrett, DFWorth Regional Office, MC R-4, (817) 588-5903</p> <p><b>Respondent:</b> Mr. Dennis Delesandri, General Manager, Republic Waste Services of Texas, Ltd., CSC Disposal &amp; Landfill,<br/>P.O. Box 236, Avalon, Texas 76623</p> <p><b>Respondent's Attorney:</b> Mr. Brent W. Ryan, McElroy, Sullivan &amp; Miller, L.L.P., 1201 Spyglass Drive, Suite 200,<br/>Austin, Texas 78746</p> |                                                             |                                                                         |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | PENALTY CONSIDERATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | CORRECTIVE ACTIONS<br>TAKEN/REQUIRED                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Type of Investigation:</b></p> <p> <input type="checkbox"/> Complaint<br/> <input type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input checked="" type="checkbox"/> Records Review         </p> <p><b>Date of Complaint Relating to this Case:</b><br/>None</p> <p><b>Date of Investigation Relating to this Case:</b><br/>January 11, 2007</p> <p><b>Date of NOE Relating to this Case:</b><br/>February 7, 2007</p> <p><b>Background Facts:</b><br/>The case was referred to the Litigation Division January 9, 2008. The EDPRP was filed February 14, 2008. The EDFARP was filed on February 22, 2008. The Respondent filed an Answer and the case was referred to SOAH. The preliminary hearing was waived and the parties exchanged discovery. An evidentiary hearing was scheduled for December 17, 2008. On December 2, 2008, the Executive Director received a signed Agreed Order and full penalty payment from the Respondent.</p> <p><b>Current Compliance Status:</b><br/>The Respondent has not yet submitted documentation demonstrating compliance.</p> <p><b>IHW:</b><br/>Failed to prevent the disposal of hazardous waste at an unauthorized facility [30 TEX. ADMIN. CODE § 335.2(a)].</p> | <p><b>Total Assessed:</b> \$5,000</p> <p><b>Total Deferred:</b> \$0</p> <p> <input type="checkbox"/> Expedited Order<br/> <input type="checkbox"/> Financial Inability to Pay<br/> <input type="checkbox"/> SEP Conditional Offset         </p> <p><b>Total Paid to General Revenue:</b> \$5,000</p> <p>The Respondent paid the administrative penalty in full.</p> <p><b>Site Compliance History Classification</b><br/> <input checked="" type="checkbox"/> High   <input type="checkbox"/> Average   <input type="checkbox"/> Poor         </p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High   <input checked="" type="checkbox"/> Average   <input type="checkbox"/> Poor         </p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Immediately, implement procedures and/or training to ensure that all waste accepted at the Facility is authorized; and</li> <li>2. Within 15 days, submit written certification to demonstrate compliance with the above Ordering Provision.</li> </ol> |



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

**TCEQ**

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 12-Feb-2007 | <b>Screening</b> | 25-Apr-2007 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 17-Jul-2007 |                  |             |                |  |

## RESPONDENT/FACILITY INFORMATION

|                             |                                        |                           |       |
|-----------------------------|----------------------------------------|---------------------------|-------|
| <b>Respondent</b>           | Republic Waste Services of Texas, Ltd. |                           |       |
| <b>Reg. Ent. Ref. No.</b>   | RN100218031                            |                           |       |
| <b>Facility/Site Region</b> | 4-Dallas/ Fort Worth                   | <b>Major/Minor Source</b> | Major |

## CASE INFORMATION

|                          |                                |                          |                    |          |
|--------------------------|--------------------------------|--------------------------|--------------------|----------|
| <b>Enf./Case ID No.</b>  | 33318                          | <b>No. of Violations</b> | 1                  |          |
| <b>Docket No.</b>        | 2007-0654-IHW-E                | <b>Order Type</b>        | 1660               |          |
| <b>Media Program(s)</b>  | Industrial and Hazardous Waste | <b>Enf. Coordinator</b>  | Dana Shuler        |          |
| <b>Multi-Media</b>       |                                | <b>EC's Team</b>         | Enforcement Team 8 |          |
| <b>Admin. Penalty \$</b> | <b>Limit Minimum</b>           | \$0                      | <b>Maximum</b>     | \$10,000 |

## Penalty Calculation Section

|                                                             |                   |         |
|-------------------------------------------------------------|-------------------|---------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$5,000 |
|-------------------------------------------------------------|-------------------|---------|

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

|                           |                |                                |     |
|---------------------------|----------------|--------------------------------|-----|
| <b>Compliance History</b> | 0% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | \$0 |
|---------------------------|----------------|--------------------------------|-----|

|              |                                                                  |  |  |
|--------------|------------------------------------------------------------------|--|--|
| <b>Notes</b> | There are no previous NOV's at the site for the past five years. |  |  |
|--------------|------------------------------------------------------------------|--|--|

|                    |    |                |                   |     |
|--------------------|----|----------------|-------------------|-----|
| <b>Culpability</b> | No | 0% Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|----------------|-------------------|-----|

|              |                                                        |  |  |
|--------------|--------------------------------------------------------|--|--|
| <b>Notes</b> | The Respondent does not meet the culpability criteria. |  |  |
|--------------|--------------------------------------------------------|--|--|

|                                    |              |                   |     |
|------------------------------------|--------------|-------------------|-----|
| <b>Good Faith Effort to Comply</b> | 0% Reduction | <b>Subtotal 5</b> | \$0 |
|------------------------------------|--------------|-------------------|-----|

|               |                                                       |                                      |
|---------------|-------------------------------------------------------|--------------------------------------|
|               | <b>Before NOV</b>                                     | <b>NOV to EDPRP/Settlement Offer</b> |
| Extraordinary |                                                       |                                      |
| Ordinary      |                                                       |                                      |
| N/A           | X                                                     | (mark with x)                        |
| <b>Notes</b>  | The Respondent does not meet the good faith criteria. |                                      |

|  |                 |                   |     |
|--|-----------------|-------------------|-----|
|  | 0% Enhancement* | <b>Subtotal 6</b> | \$0 |
|--|-----------------|-------------------|-----|

|                                   |          |
|-----------------------------------|----------|
| <b>Total EB Amounts</b>           | \$11,201 |
| <b>Approx. Cost of Compliance</b> | \$11,000 |

\*Capped at the Total EB \$ Amount

|                             |                       |         |
|-----------------------------|-----------------------|---------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$5,000 |
|-----------------------------|-----------------------|---------|

## OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

|              |  |                             |         |
|--------------|--|-----------------------------|---------|
| <b>Notes</b> |  | <b>Adjustment</b>           | \$0     |
|              |  | <b>Final Penalty Amount</b> | \$5,000 |

## STATUTORY LIMIT ADJUSTMENT

|  |              |                   |     |
|--|--------------|-------------------|-----|
|  | 0% Reduction | <b>Adjustment</b> | \$0 |
|--|--------------|-------------------|-----|

## DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

|              |                                                   |  |  |
|--------------|---------------------------------------------------|--|--|
| <b>Notes</b> | Deferral not offered for non-expedited settlement |  |  |
|--------------|---------------------------------------------------|--|--|

|                        |         |
|------------------------|---------|
| <b>PAYABLE PENALTY</b> | \$5,000 |
|------------------------|---------|

Screening Date 25-Apr-2007

Docket No. 2007-0654-IHW-E

PCW

Respondent Republic Waste Services of Texas, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33318

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100218031

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Dana Shuler

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...                                                                                                                                                                                                                           | Enter Number Here | Adjust. |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)                                                                                                              | 0                 | 0%      |
|                               | Other written NOVs                                                                                                                                                                                                                     | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)                                                                                                                               | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)                                        | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government                                        | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government (number of counts)                                                                                                                                                    | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)                                                                                                                                                                                  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)              | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)                                                         | 0                 | 0%      |
| Please Enter Yes or No        |                                                                                                                                                                                                                                        |                   |         |
| Other                         | Environmental management systems in place for one year or more                                                                                                                                                                         | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program                                                                                                                        | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program                                                                                                                                                                               | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements                                                                                                                  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

There are no previous NOVs at the site for the past five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

Screening Date 25-Apr-2007

Docket No. 2007-0654-IHW-E

PCW

Respondent Republic Waste Services of Texas, Ltd.

Policy Revision 2 (September 2002)

Case ID No. 33318

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN100218031

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Dana Shuler

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.2(a)

Violation Description

Failed to prevent the disposal of hazardous waste at an unauthorized facility, as documented during an record review investigation conducted on January 11, 2007. Specifically, the facility, which is a Type I municipal solid waste landfill, received two 20 cubic yard shipments of hazardous thermal residue waste on August 25, 2004 and January 19, 2006. The samples taken for the shipments documented hazardous levels of Cadmium and Chromium.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       | x        |       |

Percent 25%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

Violation Base Penalty \$5,000

Two single events are recommended (one event per shipment).

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$11,201

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

## Economic Benefit Worksheet

**Respondent** Republic Waste Services of Texas, Ltd.  
**Case ID No.** 33318  
**Reg. Ent. Reference No.** RN100218031  
**Media** Industrial and Hazardous Waste  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description                                                                            | Item Cost | Date Required                                                                                                                                                                                                  | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|---------------------------------------------------------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----|----------------|---------------|-----------|
| <b>Delayed Costs</b>                                                                        |           |                                                                                                                                                                                                                |             |     |                |               |           |
| Equipment                                                                                   |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | \$0           | \$0       |
| Buildings                                                                                   |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)                                                                           |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | \$0           | \$0       |
| Engineering/construction                                                                    |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | \$0           | \$0       |
| Land                                                                                        |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System                                                                       |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling                                                                           | \$1,000   | 11-Jan-2007                                                                                                                                                                                                    | 7-Nov-2007  | 0.8 | \$41           | n/a           | \$41      |
| Remediation/Disposal                                                                        |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs                                                                                |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)                                                                           |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | n/a           | \$0       |
| <b>Notes for DELAYED costs</b>                                                              |           | Estimated cost to implement procedures and/or training to ensure that waste accepted at the facility is authorized.<br>Date required is investigation date and final date is the estimated date of compliance. |             |     |                |               |           |
| <b>Avoided Costs</b>                                                                        |           |                                                                                                                                                                                                                |             |     |                |               |           |
| <b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b> |           |                                                                                                                                                                                                                |             |     |                |               |           |
| Disposal                                                                                    |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | \$0           | \$0       |
| Personnel                                                                                   |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | \$0           | \$0       |
| Inspection/Reporting/Sampling                                                               |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | \$0           | \$0       |
| Supplies/equipment                                                                          |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | \$0           | \$0       |
| Financial Assurance [2]                                                                     |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | \$0           | \$0       |
| ONE-TIME avoided costs [3]                                                                  | \$10,000  | 25-Aug-2004                                                                                                                                                                                                    | 19-Jan-2006 | 2.3 | \$1,160        | \$10,000      | \$11,160  |
| Other (as needed)                                                                           |           |                                                                                                                                                                                                                |             | 0.0 | \$0            | \$0           | \$0       |
| <b>Notes for AVOIDED costs</b>                                                              |           | Avoided costs of removal and proper disposal of the wastes. Date Required and Final Date are the dates the hazardous wastes were received at the facility.                                                     |             |     |                |               |           |
| <b>Approx. Cost of Compliance</b>                                                           |           | \$11,000                                                                                                                                                                                                       |             |     | <b>TOTAL</b>   |               | \$11,201  |

# Compliance History

|                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                        |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------|-------------------|-----------------------|--------|------|-----------------------|----------------|---------|--------------------------------|--------|-------|------------------------|--------------|-------|--------------|--|--|------------------------|----------------|---------|------------------------|---------|------------|------------------------|--------------|-------|--------------------------------|--------|--------------|----------|--|--|--------------------------------|----------------------------|-------|----------|-------|--|------------|--------|-----------|--------------------------------|--------|-------|---------|--|--|
| Customer/Respondent/Owner-Operator:                                                       | CN600132534                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Republic Waste Services of Texas, Ltd. | Classification: AVERAGE                   | Rating: 3.96      |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| Regulated Entity:                                                                         | RN100218031                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | CSC DISPOSAL AND LANDFILL              | Classification: HIGH                      | Site Rating: 0.00 |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| ID Number(s):                                                                             | <table border="0"> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>2061</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>ACCOUNT NUMBER</td> <td>ED0359G</td> </tr> <tr> <td>MUNICIPAL SOLID WASTE DISPOSAL</td> <td>PERMIT</td> <td>1209C</td> </tr> <tr> <td>PETROLEUM STORAGE TANK</td> <td>REGISTRATION</td> <td>68620</td> </tr> <tr> <td>REGISTRATION</td> <td></td> <td></td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>ED0359G</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4813900676</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>81088</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE</td> <td>EPA ID</td> <td>TXD000836585</td> </tr> <tr> <td>DISPOSAL</td> <td></td> <td></td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE</td> <td>SOLID WASTE REGISTRATION #</td> <td>H1209</td> </tr> <tr> <td>DISPOSAL</td> <td>(SWR)</td> <td></td> </tr> <tr> <td>STORMWATER</td> <td>PERMIT</td> <td>TXR05M566</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE</td> <td>PERMIT</td> <td>H1209</td> </tr> <tr> <td>STORAGE</td> <td></td> <td></td> </tr> </table> |                                        |                                           |                   | AIR OPERATING PERMITS | PERMIT | 2061 | AIR OPERATING PERMITS | ACCOUNT NUMBER | ED0359G | MUNICIPAL SOLID WASTE DISPOSAL | PERMIT | 1209C | PETROLEUM STORAGE TANK | REGISTRATION | 68620 | REGISTRATION |  |  | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | ED0359G | AIR NEW SOURCE PERMITS | AFS NUM | 4813900676 | AIR NEW SOURCE PERMITS | REGISTRATION | 81088 | INDUSTRIAL AND HAZARDOUS WASTE | EPA ID | TXD000836585 | DISPOSAL |  |  | INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION # | H1209 | DISPOSAL | (SWR) |  | STORMWATER | PERMIT | TXR05M566 | INDUSTRIAL AND HAZARDOUS WASTE | PERMIT | H1209 | STORAGE |  |  |
| AIR OPERATING PERMITS                                                                     | PERMIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2061                                   |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| AIR OPERATING PERMITS                                                                     | ACCOUNT NUMBER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | ED0359G                                |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| MUNICIPAL SOLID WASTE DISPOSAL                                                            | PERMIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1209C                                  |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| PETROLEUM STORAGE TANK                                                                    | REGISTRATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 68620                                  |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| REGISTRATION                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                        |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| AIR NEW SOURCE PERMITS                                                                    | ACCOUNT NUMBER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | ED0359G                                |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| AIR NEW SOURCE PERMITS                                                                    | AFS NUM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 4813900676                             |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| AIR NEW SOURCE PERMITS                                                                    | REGISTRATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 81088                                  |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| INDUSTRIAL AND HAZARDOUS WASTE                                                            | EPA ID                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | TXD000836585                           |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| DISPOSAL                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                        |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| INDUSTRIAL AND HAZARDOUS WASTE                                                            | SOLID WASTE REGISTRATION #                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | H1209                                  |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| DISPOSAL                                                                                  | (SWR)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                        |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| STORMWATER                                                                                | PERMIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | TXR05M566                              |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| INDUSTRIAL AND HAZARDOUS WASTE                                                            | PERMIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | H1209                                  |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| STORAGE                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                        |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| Location:                                                                                 | 101 REPUBLIC WAY, AVALON, TX, 76623                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        | Rating Date: 9/1/2006 Repeat Violator: NO |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| TCEQ Region:                                                                              | REGION 04 - DFW METROPLEX                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                        |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| Date Compliance History Prepared:                                                         | April 24, 2007                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| Agency Decision Requiring Compliance History:                                             | Enforcement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                        |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| Compliance Period:                                                                        | April 24, 2002 to April 24, 2007                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                        |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                        |                                           |                   |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |
| Name:                                                                                     | Dana Shuler                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                        | Phone:                                    | (512) 239-2505    |                       |        |      |                       |                |         |                                |        |       |                        |              |       |              |  |  |                        |                |         |                        |         |            |                        |              |       |                                |        |              |          |  |  |                                |                            |       |          |       |  |            |        |           |                                |        |       |         |  |  |

## Site Compliance History Components

- |                                                                                              |     |
|----------------------------------------------------------------------------------------------|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?                                                         | N/A |
| 4. If Yes, who was/were the prior owner(s)?                                                  | N/A |
| 5. When did the change(s) in ownership occur?                                                | N/A |

## Components (Multimedia) for the Site :

- |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|--------|---|------------|---------|---|------------|----------|---|------------|----------|---|------------|----------|---|------------|----------|---|------------|----------|---|------------|----------|---|------------|----------|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.                                                                                                                                                                                                                                                                                                                                                                                                                                |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
|    | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| B. | Any criminal convictions of the state of Texas and the federal government.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
|    | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| C. | Chronic excessive emissions events.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
|    | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
|    | <table border="0"> <tr><td>1</td><td>07/31/2002</td><td>(1941)</td></tr> <tr><td>2</td><td>01/10/2003</td><td>(20681)</td></tr> <tr><td>3</td><td>06/23/2004</td><td>(277283)</td></tr> <tr><td>4</td><td>06/25/2004</td><td>(269999)</td></tr> <tr><td>5</td><td>09/15/2005</td><td>(431437)</td></tr> <tr><td>6</td><td>12/13/2005</td><td>(436592)</td></tr> <tr><td>7</td><td>08/16/2006</td><td>(490239)</td></tr> <tr><td>8</td><td>12/19/2006</td><td>(517406)</td></tr> <tr><td>9</td><td>02/09/2007</td><td>(513462)</td></tr> </table> | 1        | 07/31/2002 | (1941) | 2 | 01/10/2003 | (20681) | 3 | 06/23/2004 | (277283) | 4 | 06/25/2004 | (269999) | 5 | 09/15/2005 | (431437) | 6 | 12/13/2005 | (436592) | 7 | 08/16/2006 | (490239) | 8 | 12/19/2006 | (517406) | 9 | 02/09/2007 | (513462) |
| 1  | 07/31/2002                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (1941)   |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| 2  | 01/10/2003                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (20681)  |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| 3  | 06/23/2004                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (277283) |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| 4  | 06/25/2004                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (269999) |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| 5  | 09/15/2005                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (431437) |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| 6  | 12/13/2005                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (436592) |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| 7  | 08/16/2006                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (490239) |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| 8  | 12/19/2006                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (517406) |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| 9  | 02/09/2007                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (513462) |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| E. | Written notices of violations (NOV). (CCEDS Inv. Track. No.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
| F. | Environmental audits.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |
|    | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |          |            |        |   |            |         |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |   |            |          |

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING REPUBLIC  
WASTE SERVICES OF TEXAS,  
LTD.,  
RN100218031**

§  
§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0654-IHW-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Republic Waste Services of Texas, Ltd. ("Republic") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Republic, represented by Brent W. Ryan, of the law firm McElroy, Sullivan & Miller, L.L.P., appear before the Commission and together stipulate that:

1. Republic owns and operates a Type I municipal solid waste disposal facility located at 101 Republic Way in Avalon, Ellis County, Texas ( the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and TCEQ rules.
3. The Commission and Republic agree that the Commission has jurisdiction to enter this Agreed Order, and that Republic is subject to the Commission's jurisdiction.
4. Republic received notice of the violation alleged in Section II ("Allegation") on or about February 12, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Republic of any violation alleged in Section II ("Allegation"), nor of any statute or rule.

6. An administrative penalty in the amount of five thousand dollars (\$5,000.00) is assessed by the Commission in settlement of the violation alleged in Section II ("Allegation"). Republic has paid five thousand dollars (\$5,000.00) of the administrative penalty.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Republic have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Republic has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATION**

Republic is alleged to have violated 30 TEX. ADMIN. CODE § 335.2(a) by failing to prevent the disposal of hazardous waste at an unauthorized facility as documented during a record review conducted on January 11, 2007.

## **III. DENIALS**

Republic generally denies each allegation in Section II ("Allegation").

## **IV. ORDER**

1. It is, therefore, ordered by the TCEQ that Republic pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Republic's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from

considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Republic Waste Services of Texas, Ltd., Docket No. 2007-0654-IHW-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Republic shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, implement procedures and/or training to ensure that all waste accepted at the Facility is authorized, in accordance with 30 TEX. ADMIN. CODE § 335.2(a); and
- b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Sam Barrett, Waste Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Republic. Republic is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Republic fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Republic's failure to comply is not a violation of this Agreed Order. Republic shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Republic shall notify the Executive Director within seven days after Republic becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Republic shall be made in writing to the Executive Director. Extensions are not effective until Republic receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Republic in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Republic, or three days after

the date on which the Commission mails notice of the Order to Republic, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

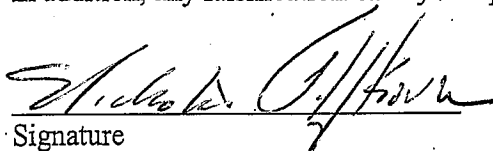
4/14/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that Republic's failure to comply with the Ordering Provisions, if any, in this order and/or Republic's failure to timely pay the penalty amount, may result in:

- A negative impact on Republic's compliance history;
- Greater scrutiny of any permit applications submitted by Republic;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Republic;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Republic; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

12.02.2008  
Date

Nicholas Stefkovich  
Name (Printed or typed)  
Authorized representative of  
Republic Waste Services of Texas, Ltd.

Area President  
Title